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10/050,979	01/18/2002	Lou Chauvin	83304DF-P	9113

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EXAMINER
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LIN, KENNY S

ART UNIT	PAPER NUMBER
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2152

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03/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/050,979

Applicant(s)

CHAUVIN ET AL.

Examiner

Kenny Lin

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23,25-29 and 31-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23,25,27,28,31-37 and 39-43 is/are rejected.
- 7) ☒ Claim(s) 26, 29, 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 22, 25-29, 31-43 are presented for examination. Claims 1-21, 23-24 and 30 are canceled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22, 25, 27-28, 31-37 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizumo, US 2001/0021311, in view of Brookes et al (Brookes), US 2003/0014295.
4. Mizumo was cited in the previous office action.
5. As per claims 22 and 43, Mizumo taught the invention substantially as claimed including a method comprising:
  - a. Providing a network service on a network, the network service including digital photo services provided by a service provider (pp. 0011);

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- b. Allowing a user to access a network server via the network service using an order terminal connected to the network for ordering at least one of the digital photo services (pp. 0056, 0058-0059, 0062, 0067);
- c. Inserting into the order terminal a digital storage device carried by the user and having an image stored thereon for use by at least one of said service providers to provide one of said digital photo services therefore, and having a code stored thereon for use by the network service to identify one of a plurality of business entities (pp. 0013, 0058, 0063, 0067, 0083, 0093-0094, 0168, 0170), said one of the plurality of business entities being associated with the digital storage device, the plurality of business entities each having a predefined business relationship with each of said service provider (pp. 0066, 0069, 0168, 0170);
  - a. Reading the digital storage device to obtain image data for the image stored thereon and to obtain the code (pp. 0013, 0068, 0083, 0093-0094, 0168, 0170);
  - b. Maintaining relationship data of the predefined business relationships between each of said business entities and each service provider in a database coupled to the network, the relationship data including rankings of the predefined business relationships between each of said business entities and each service provider (pp. 0069-0071);
  - c. Accessing the database and using the code to obtain a ranking of predefined business relationships between said one of the plurality of business entities identified by the code and said plurality of service providers (pp. 0068-0071); and

- d. Displaying to the user an order screen on the order terminal, the order screen including purchasing information for ordering said at least one of the digital photo services for the image, the purchasing information generated and transmitted by the server over the network, the purchasing information including the service provider, and the purchasing information capable of being modified by the server in response to a ranking of the predefined business relationships between said one of the plurality of business entities identified by the code and said service provider (pp. 0066-0071, 0077, 0080, 0084-0088, 0090-0092).
6. Mizumo did not specifically teach the method to comprise a plurality of service providers; and to display the plurality of service providers on the order screen according to ranking (as claimed in claim 43). However, one of ordinary skill in the art would have been motivated to implement the method to include more than one service provider to support numerous amounts of users and handle the loads of service processes. Brookes taught to include a database of service providers to present the customers a ranked list of service provided using price, criteria, customer satisfaction data for the customers to select a desire service provider to perform the requesting service (pp. 0010-0011). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mizumo and Brookes because Brookes' teaching of presenting a list of service providers according to service need information and user submitted information and a database of service providers enable Mizumo's method to display a organized and best qualified list of service providers for the

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customer to select and further distribute the services to the selected service providers to support more customer needs (pp. 0003).

7. As per claim 35, Mizumo taught the invention substantially as claimed including a system for ordering products over a network comprising:

- a. An order terminal connected to the network, the storage device having stored thereon an image for which a user can order products and/or services from a service provider over the network via the order terminal, the storage device associated with one of a plurality of business entities (pp. 0056, 0058-0059, 0062, 0067), the order terminal capable of reading image data from a digital storage device pp. 0013, 0063, 0083, 0093-0094, 0168-0170);
- b. A database connected to the network for storing rankings of business relationships between the business entities and the service provider (pp. 0066, 0069-0071, 0168, 0170); and
- c. An order screen connected to the order terminal for presenting to the user a first purchase offer related to a product and/or service for the image, wherein the service provider that is included in the first purchase offer are selected according to their having higher rankings according to a ranking of the business relationships between said one of a plurality of business entities and said service provider (pp. 0066-0071, 0077, 0080, 0084-0088, 0090-0092).

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8. Mizumo did not specifically teach the method to comprise a plurality of service providers and to display the plurality of service providers on the order screen according to ranking.

However, one of ordinary skill in the art would have been motivated to implement the method to include more than one service provider to support numerous amounts of users and handle the loads of service processes. Brookes taught to include a database of service providers to present the customers a ranked list of service provided using price, criteria, customer satisfaction data for the customers to select a desire service provider to perform the requesting service (pp. 0010-0011). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mizumo and Brookes because Brookes' teaching of presenting a list of service providers according to service need information and user submitted information and a database of service providers enable Mizumo's method to display a organized and best qualified list of service providers for the customer to select and further distribute the services to the selected service providers to support more customer needs (pp. 0003).

9. As per claims 25 and 36, Mizumo and Brookes did not specifically teach to read a second digital storage device a second image stored thereon and displaying to the user a screen order screen on the order terminal. However, it would have been obvious to repeat the ordering process for the users to make separate orders following the first order. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Mizumo's method to repeat the steps of accepting orders, reading stored images, and displaying order screen to the users in order to process multiple orders from the same user at once.

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10. As per claims 27 and 40, Mizumo and Brookes taught the invention substantially as claimed in claims 22 and 35. Mizumo further taught that said order terminal comprises one of the following:

- a. An automated teller machine;
- b. A kiosk;
- c. A personal computer (pp. 0062); or
- d. A wireless device.

11. As per claims 28 and 42, Mizumo and Brookes taught the invention substantially as claimed in claims 22 and 35. Mizumo further taught that said digital storage device comprises one of the following:

- a. Optical disc;
- b. Magnetic floppy disc;
- c. Flash memory device; or
- d. A digital camera (pp. 0062).

12. As per claim 31, Mizumo and Brookes taught the invention substantially as claimed in claim 22. Mizumo further taught a potential ranking of said predefined business relationship includes at least two levels (pp. 0069).



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13. As per claim 32, Mizumo and Brookes taught the invention substantially as claimed in claim 22. Mizumo further taught that the step of maintaining relationship data is performed by a service manager using a table in a database of the server (pp. 0069).

14. As per claim 33, Mizumo and Brookes taught the invention substantially as claimed in claim 22. Mizumo further taught to comprises the step of including or not including a purchasing convenience feature in the purchasing information in response to the ranking of the predefined business relationships between said one of the plurality of business entities and said plurality of service providers (pp. 0070-0071).

15. As per claims 34 and 41, Mizumo and Brookes taught the invention substantially as claimed in claims 22 and 35. Mizumo further taught that said at least one of the digital photo services comprises one or more of the following:

- a. Local printing of digital images;
- b. Remote printing of digital images;
- c. On-line storage of digital images (pp. 0063);
- d. Providing digital storage media containing digital images; and
- e. Providing associated goods and/or services with respect to hard copy prints.

16. As per claim 37, Mizumo and Brookes taught the invention substantially as claimed in claim 35. Mizumo further taught that the purchase offer excludes some service providers in

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response to their low rank according to the ranking of the business relationships between said one of a plurality of business entities and said plurality of service providers (pp. 0069).

17. As per claim 39, Mizumo and Brookes taught the invention substantially as claimed in claim 35. Mizumo further taught that the purchase offer is formatted so that service providers having a higher ranking business relationship with said one of a plurality of business entities are listed first (pp. 0069).

***Allowable Subject Matter***

18. Claims 26, 29 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

19. Applicant's arguments with respect to claims 22, 35 and 43 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kenny S Lin/  
Kenny S Lin  
Primary Examiner  
March 6, 2008